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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,985	05/19/2000	Dana W. Wolcott	80724PF-P	9582

1333 7590 08/27/2002

PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER

KERR, DEBRA E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/574,985

Applicant(s)

WOLCOTT ET AL.

Examiner

Debra E Kerr

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey et al. (US 6,369,908) in view of Enomoto (US 5,974,401).**

Frey discloses a photo kiosk incorporating a camera, a number of options for creating an electronic file containing digital output from the camera, and a database for maintaining the digital output and associated electronic files for future access. The kiosk includes a touch screen monitor for making selections from a menu of options, and a countdown timer for alerting the user of the preset time for image capture. The camera takes a number of predetermined images of the user and prompts the user to add a banner, text or audio enhancement to the image file. The user can save the file to a removable storage device such as a CD or floppy disk for immediate acquisition, or can enter an email address for electronically forwarding the digital image file to over the Internet. The kiosk cpu will store the file and related customer information in a database, and will transmit the file over the Internet automatically at a later specified time for customer retrieval (see at least col. 3 lines 3-6, and 43-56, col. 4 lines 1-14, col. 5 lines 9-24, 44-55, and 63-67).

Please note that while Frey does not specifically disclose selecting a camera, the act of selecting a camera is inherent to the process of a customer using Frey's photo kiosk, since the kiosk would be useless without a camera. Moreover, the ultimate purpose of selecting any camera is to acquire the images produced by the camera, which is also the purpose of Frey's kiosk and the reason for a customer to pay for the use of the kiosk.

Frey fails to disclose creating and entering an account into a database for a product/service plan, maintaining a product/service record, providing a selected amount of developed film prints, scanning images, or providing services by a photographic service provider. Enomoto teaches a digital print order and delivery system operating over the Internet. The system allows a customer to select a photofinisher from a list, and creates a user account in the system that is accessed by a unique user ID and password. The system includes a scanner for image input, and alternately allows a user to send exposed rolls of film to the selected photofinisher for input to the system. (see at least col. 3, lines 24-26 and 44-46, col. 4 lines 5-51, col. 6 lines 19-22, and col. 8 lines 34-52). It would therefore have been obvious to one having ordinary skill in the art at the time of the invention to combine Frey's photo kiosk with the teaching of Enomoto regarding a print order and delivery service over the Internet. Doing so would increase customer satisfaction by providing remote photofinishing services to camera users.

Please note that while Enomoto does not specifically disclose the use of hybrid digital/film cameras, Enomoto teaches providing images from both film and digital cameras. It would therefore have been obvious to provide images to the print ordering

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system from a hybrid camera, since both scanned and digital images could be used as input to the system. Please also note that while Enomoto does not teach providing film development for a specified number of film rolls, the act of a customer specifying the number of rolls of film to be developed is old and well known and would have been an obvious service to provide for customers in order to increase profits.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garfinkle et al. (US 6,017,157) teaches a method of processing and distributing digital images.

Fredlund et al. (US 5,666,215) teach a system and method for remotely selecting photographic images.

Zander (US 5,963,752) teaches a film-loading apparatus for a camera

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached on 7 a.m. to 4:30 p.m. Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on (703) 305-1440.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks  
Washington D.C. 20231***

or faxed to:

**(703)305-7687** [Official communications; including  
After Final communications labeled  
"Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

Debra E. Kerr

DEK

August 19, 2002

  
WILLIAM W. COGGES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3800